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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,515	09/30/2003	Keith N. Larson	3655/0302PUS1	4111
47827 7590 02/23/2011 MUNCY, GEISSLER, OLDE & LOWE, PLLC 4000 LEGATO ROAD, SUITE 310 FAIRFAX, VA 22033				
EXAMINER KARIKARI, KWASI				
ART UNIT 2617		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/674,515

**Applicant(s)**

LARSON ET AL.

**Examiner**

KWASI KARIKARI

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-942)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Response to Arguments**

1. Applicant's arguments, filed on 12/08/2010, with respect to the rejection(s) of claims 1-5, 7-12 and 14 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is being made as shown below.

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 5 and 12 are rejected under U.S.C. 102(e) as being anticipated by  
Graske et al., (U.S 2005/0009508), (hereinafter, Graske).**

**Regarding claims 5 and 12, Graske discloses a method for a cell phone service provider to communicate to a cell phone user, said user located in a particular local geographical area (=location, see [0021 and 0033-34]), an alert message that affects that particular local geographical area (= registered mobile stations 120 and 125 receive alert from weather alert generator 130 which is coupled to notification component 105**

and network 105, see [0015, 0018, 0020-21 and 0025]) said method comprising the steps of:

receiving said alert message from a reporting agency(= NWS/NOAA, see [0002 and 0018]), said message containing information as to locations affected(= weather alert notification is sent to registered mobile station which is within an area of weather alert, see [0020-21 and 0038-39]);

determining that the user is located in said .geographical area(= weather alert notification is sent to **registered mobile station** which is **within an area of weather alert**, see [0020-21, 0038-39] and Fig. 3, steps 315, 320 and 325);

providing to the user at least one communication advising him of the alert message (= weather alert notification component 105 sends notification of weather alert/detailed map to mobile station, see [0035-36 and 0039-40]); and

permitting the user to limit the frequency at which said communications are provided to him (= system sends notification to mobile station 120 during a time period/registered; and withholds notification of weather alert from mobile station during unregistered time period, see [0020-21 and 0023-25]) and (= notification alert is sent if weather criteria profile matches the profile of the mobile station; and the weather notification component withholds weather alert if the weather criteria profile does not match the profile of the mobile station, see [0031-32]; whereby provision or withholding of weather alert at specific periods, is being associated with the "limiting the frequency at which said communications are provided...").

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-4, 7-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graske in view of Hunter et. al., (U.S. 2003/0069002), (hereinafter, Hunter).**

**Regarding claims 1 and 8, Graske** discloses a method/system for a cell phone service provider to communicate to a cell phone user, said user located in a particular local geographical area (= registered mobile stations 120 and 125 receive alert from weather alert generator 130 which is coupled to notification component 105 and network 105, see [0015, 0018, 0020-21 and 0025]), an alert message that affects that particular local geographical area (= weather alert notification is sent to registered mobile station which is within an area of weather alert, see [0020-21, 0028 and 0038-39]), said method comprising the steps of:

receiving said alert message from a reporting agency (= NWS/NOAA, see [0002 and 0018]), said message containing information as to locations affected(= weather alert notification is sent to registered mobile station which is within an area of weather alert, see [0020-21 and 0038-39]);

determining that the user is located in said geographical area(= weather alert notification is sent to **registered mobile station** which is **within an area of weather alert**, see [0020-21, 0038-39] and Fig. 3, steps 315, 320 and 325); and

providing to the user at least one communication advising him of the alert message (= weather alert notification component 105 sends notification of weather alert/detailed map to mobile station, see [0035-36 and 0039-40]).

**Graske** explicitly fails to mention the claimed limitations: "identifying a destination in the at least one communication; and communicating to the user directions from his present location to said destination".

However, **Hunter**, which is an analogous art teaches the claimed limitations: "identifying a destination in the at least one communication; and communicating to the user directions from his present location to said destination"(see [0056 and 0122-23]).

Therefore, it would have been obvious at the time the invention was made for one of the ordinary skill in the art to have combined the teaching of Hunter with Graske for the benefit of achieving a system emergency notification system that disseminates notification content to only those individuals who are mostly affected thereby, providing useful information and managing resource in an efficient matter.

**Regarding claims 2 and 9**, as recited in claims 1 and 8, **Graske** further discloses the method/system, wherein the reporting agency is selected from the group consisting of National Weather Service, National Oceanographic and Atmospheric Administration, Amber Alert Systems, State Police, Fire Department, local government agency, and local police (= NWS/NOAA, see [0002 and 0018]).

**Regarding claims 3 and 10**, as recited in claims 1 and 8, **Graske** further discloses the method/system, wherein said communication is selected from the group consisting of displaying information, triggering an audio alert, and supplying a voice message (= weather alert notification component 105 sends notification of weather alert/detailed map to mobile station, see [0019, 0035-37 and 0039-40]).

**Regarding claims 4 and 11**, as recited in claims 1 and 8, **Graske** discloses that the method/system further comprising the step of: permitting the user to limit said providing step based upon subject content of the message (=user request to be notified of specific weather alerts such as tornado, hail...see [0031]; and notification alert is sent if weather criteria profile matches the profile of the mobile station; and the weather notification component withholds weather alert if the weather criteria profile does not match the profile of the mobile station, see [0031-32]).

**Regarding claim 7**, **Graske** discloses a method for a cell phone service provider to communicate to a cell phone user who is a member of a class of recipients, said user

located in a particular local geographical area (=location, see [0021 and 0033-34]), an alert message that affects that particular local geographical area (= registered mobile stations 120 and 125 receive alert from weather alert generator 130 which is coupled to notification component 105 and network 105, see [0015, 0018, 0020-21 and 0025]; whereby the **registered** mobile stations are being associated with the "member of a class"), said method comprising the steps of:

receiving said alert message from a reporting agency(= NWS/NOAA, see [0002 and 0018]), said message containing information as to locations affected (= weather alert notification is sent to registered mobile station which is within an area of weather alert, see [0020-21 and 0038-39]);

determining that the user is located in said geographical area (=determining location of mobile station, see [0021, 0033 and 0039]) and that the user is a member of a class intended to receive said alert(= determining if mobile station is registered to receive alert, see [0024-25 and 0035] weather alert notification is sent to **registered mobile station** which is **within an area of weather alert**, see [0020-21, 0038-39] and Fig. 3, steps 315, 320 and 325));

providing to the user at least one communication advising him of the alert message (= weather alert notification component 105 sends notification of weather alert/detailed map to mobile station, see [0035-36 and 0039-40]).

**Graske** explicitly fails to mention the claimed limitations: "defining the location of a destination contained in the message; and communicating to the user directions from his present location to said destination".



However, **Hunter**, which is an analogous art teaches the claimed limitations: "defining the location of a destination contained in the message; and communicating to the user directions from his present location to said destination (see [0056 and 0122-23]).

Therefore, it would have been obvious at the time the invention was made for one of the ordinary skill in the art to have combined the teaching of Hunter with Graske for the benefit of achieving a system emergency notification system that disseminates notification content to only those individuals who are mostly affected thereby, providing useful information and managing resource in an efficient matter.

**Regarding claim 14, Graske** discloses a system for communicating from a cell phone service provider to a cell phone user, said user located in a particular local geographical area (=location, see [0021 and 0033-34]), an alert message that affects that particular local geographical area (= registered mobile stations 120 and 125 receive alert from weather alert generator 130 which is coupled to notification component 105 and network 105, see [0015, 0018, 0020-21 and 0025]), said system comprising;

means for receiving said alert message from a reporting agency(= NWS/NOAA, see [0002 and 0018]), said message containing information as to locations affected (= weather alert notification is sent to registered mobile station which is within an area of weather alert, see [0020-21 and 0038-39]);

first a determining means for determining the user is located in said geographical area (=determining location of mobile station, see [0021, 0033 and 0039]);

a second determining means for determining that the user is a member of class intended to receive said alert (= determining if mobile station is registered to receive alert, see [0024-25 and 0035] weather alert notification is sent to **registered mobile station** which is **within an area of weather alert**, see [0020-21, 0038-39] and Fig. 3, steps 315, 320 and 325]; whereby the **registered** mobile stations are being associated with the "member of a class");

means for providing to the user at least one communication advising him of the alert message(= weather alert notification component 105 sends notification of weather alert/detailed map to mobile station, see [0035-36 and 0039-40]).

**Graske** explicitly fails to mention the claimed limitations: "means for defining the location of a destination contained in the message; and means for communicating to the user directions from his present location to said destination."

However, **Hunter**, which is an analogous art teaches the claimed limitations: "means for defining the location of a destination contained in the message; and means for communicating to the user directions from his present location to said destination. (see [0056 and 0122-23]).

Therefore, it would have been obvious at the time the invention was made for one of the ordinary skill in the art to have combined the teaching of Hunter with Graske for the benefit of achieving a system emergency notification system that disseminates notification content to only those individuals who are mostly affected thereby, providing useful information and managing resource in an efficient matter.

**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-T (7am - 5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

<p>/Kwasi Karikari/ Patent Examiner (PSA): Art Unit 2617.</p>
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